

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed March 19, 2008. At the time of the Final Office Action, Claims 1 and 3-14 were pending in this Application. Claims 1 and 3-14 were rejected. Claims 1, 4-6, 8, and 10-12 have been amended. Claims 7, 13, and 14 have been cancelled without prejudice or disclaimer. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 102

Claims 1, 3-11 and 13-14 were rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,011,537 issued to Benjamin Slotznick (“*Slotznick*”). In light of the above claim amendments, Applicants respectfully traverse and submit the cited reference does not teach all of the elements of the claimed embodiment of the invention.

Slotznick fails to teach or suggest all the elements of the amended claims. For example, amended Independent Claim 1 recites, in part:

receiving a plurality of data configured for simultaneous display from an information source;
prior to displaying the received data, separating the received data into a plurality of elements;
displaying a first element of the plurality of elements;
detecting a trigger at a controller; and
based at least on the detecting of the trigger, displaying a second element from the plurality of elements.

Slotznick discloses displaying primary and/or secondary information on a display, where the primary data “is automatically displayed (and first displayed) when a page is downloaded.” (Column 9, Line, 66 through Column 10, Line 1). *Slotznick* further discloses that while a user is reading text on a screen (e.g., the primary data that automatically displayed on the screen), “the device gets and process secondary data.” (Column 11, Lines 55-56). It appears that *Slotznick* downloads the primary and secondary data in a piece-meal fashion. Thus, *Slotznick* fails to teach or suggest *prior to displaying the received data, separating the received data into a plurality of elements, and subsequently displaying a first element of the plurality of elements*, as recited in Claim 1.

For at least the reasons discussed above, Applicants respectfully request reconsideration and allowance of amended independent Claim 1 and all claims that depend therefrom. In addition, for analogous reasons, Applicants request reconsideration and allowance of amended independent Claim 8 and all claims that depend therefrom.

Rejections under 35 U.S.C. §103

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Even if each limitation is disclosed in a combination of references, however, a claim composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR Int'l. Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007). Rather, the Examiner must identify an apparent reason to combine the known elements in the fashion claimed. *Id.* “Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.*, citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). Finally, the reason must be free of the distortion caused by hindsight bias and may not rely on ex post reasoning. *KSR*, 127 S.Ct. at 1742. In addition, evidence that such a combination was uniquely challenging or difficult tends to show that a claim was not obvious. *Leapfrog Enterprises, Inc. v. Fisher-Price, Inc. and Mattel, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007), citing *KSR*, 127 S.Ct. at 1741.

Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Slotznick* and U.S. Patent No. 5,656,801 issued to Edward Barkan et al. (“*Barkan*”). As noted above, *Slotznick* fails to teach or suggest prior to displaying the received data, separating the received data into a first element and a second element, as recited in amended independent Claim 1 and similarly recited in amended independent Claim 8.

Barkan also fails to teach or suggest all the elements recited in Claims 1 and 8. For at least these reasons, Claims 1 and its dependent claims as well as Claim 8 and its dependent claims including Claim 12 are patentably distinct over the cited reference(s). Applicants

respectfully request the removal of the rejection to Claim 12 and full allowance of all the pending claims.

Request for Continued Examination (RCE)

Applicants respectfully submit a Request for Continued Examination (RCE) Transmittal, along with a Petition for Extension of Time. The Commissioner is authorized to charge any fees required to Deposit Account 50-2148 in order to effectuate these filings.

Association of Customer Number and Change of Correspondence Address

Applicant respectfully requests that all papers pertaining to the above-captioned patent application be associated with Customer No. **31625**, and direct all correspondence pertaining to this patent application to practitioners at Customer Number **31625**. All telephone calls should be directed to Andreas Grubert at 512.322.2545. A Revocation and Power of Attorney will be filed shortly.

ATTORNEY DOCKET
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(1999P02365WOUS)

PATENT APPLICATION
10/031,227

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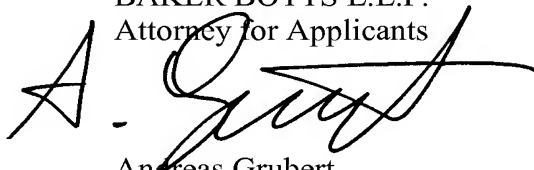
CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants believe there are no additional fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2545.

Respectfully submitted,
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Date: July 21, 2008

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